

REMARKS

Claim 5 is pending in this application. By this Amendment, claim 5 is amended to correct informalities noted in the November 18, 2009 Office Action. Support for the amendments to claim 5 may be found in Figs. 24 and 25, and the accompanying discussion of those figures on pages 67-72 of Applicants' disclosure, for example. No new matter is added. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

The amendments should be entered under 37 C.F.R. §41.33 because the amendments place the application in better form for Appeal for the reasons discussed below by merely satisfying requirements of form asserted in the Office Action. The amendments were not earlier presented because Applicants believe that the objection and rejections are not correct. However, in order to reduce the number of issues for appeal, the amendments are made to address the drawing objection and the §112 rejection. Entry of the amendments under 37 C.F.R. §41.33, prior to Applicants filing of a Brief on Appeal, is thus respectfully requested.

The Office Action objects to the drawings. The amendments to claim 5 obviate the objection.

The Office Action rejects claim 5 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The amendments to claim 5 obviate the rejection. The test for compliance with 35 U.S.C. §112, second paragraph is whether one skilled in the art would understand the bounds of the claims when read in light of the specification. *Miles Lab., Inc. v. Shandon Inc.*, 997 F.2d 870, 875, 27 USPQ2d 1123, 1126 (Fed. Cir. 1993), *cert. denied*, 510 U.S. 1100 (1994). If the claims, read in light of the specification, reasonably apprise those skilled in the art of the scope of the invention, §112 demands no more. *See, also, In re Merat*, 519 F.2d 1390, 1396, 186 USPQ 471, 476 (CCPA 1975) (stating that the question under §112, second paragraph is whether the claim language, when read by a person of

ordinary skill in the art in light of the specification, describes the subject matter with sufficient precision that the bounds of the claimed subject matter are distinct. *See, also, In re Warmerdam*, 33 F3d 1354, 1361, 31 USPQ2d 1754, 1759 (Fed. Cir. 1994). This standard is met with claim 5 as amended.

The Office Action rejects claim 5 under 35 U.S.C. §103(a) over JP-A-64-016346 to Satoru, and rejects claim 5 under 35 U.S.C. §103(a) over Satoru in view of U.S. Patent No. 5,053,971 to Woods. These rejections will be separately addressed in Applicants' later-filed Brief on Appeal.

In view of the foregoing, Applicants respectfully request entry of the amendments to claim 5 for the purposes of Appeal.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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